

**PLANNING BOARD
RESOLUTION No. 2013-044**


**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD FOR A VARIANCE
APPROVAL FOR PROPERTY LOCATED AT
613 MARGARET STREET (RE# 00011290-
000000; AK# 1011592) IN THE HISTORIC HIGH
DENSITY RESIDENTIAL (HHDR) ZONING
DISTRICT, FOR REAR YARD SETBACK
REQUIREMENTS FOR THE DEMOLITION
AND RECONSTRUCTION OF A SECOND
UNIT PER SECTION 90-391 and SECTION 122-
630 (6)c. OF THE LAND DEVELOPMENT
REGULATIONS OF THE CODE OF
ORDINANCES OF THE CITY OF KEY WEST.**

WHEREAS, Section 122-630 (6)c of the Code of Ordinances provides that the minimum rear yard setback distance for a building is 20 feet from the property line; and

WHEREAS, Section 90-391 of the Land Development Regulations allows aggrieved property owners to request relief from the requirements of the code through the variance process with seven criteria for approval; and

WHEREAS, the applicant requested variances to the in order to demolish and rebuild a second unit structure at the rear of the property; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing


Chairman

Planning Director

on August 15, 2013; and



WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variances requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure; and

 Chairman
 Planning Director

WHEREAS, the Planning Board finds that the granting of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variances; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variances application, and by addressing the objections expressed by those neighbors;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. An approval by resolution of the Key West Planning Board to allow the demolition and reconstruction of a secondary dwelling unit constructed at 4.5’ feet from the property

line by granting a variance to rear yard setback requirements per plans dated April 13, 2013 attached herein, on property located at 613 Margaret Street (00011290-000000; AK# 1011592) in the HHDR zoning district per Sections 90-391, and Section 122-630(6)c. of the Land Development Regulations of the Code of Ordinances of the City of Key West with the following conditions:

1. That the setback areas on the eastern side and rear yard are maintained in perpetuity for life safety access and no utilities or structures be erected in the area.
2. That a certificate of appropriateness is obtained from HARC.
3. That stormwater retention swales are installed in the side and rear yard setbacks adjacent to the new unit construction and gutter downspouts are directed into swale areas that are planted with ground cover vegetation or sod for swale stabilization. The system must be approved by the City's Engineer and maintained in perpetuity.
4. Conditional approval permit is applied for within 30 days of final inspection by the Building Department.



Section 3. It is a condition of these variances that full, complete, and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application or shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. These variances do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

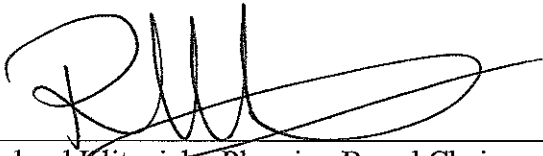
Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 7. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

 Chairman
 Planning Director

Read and passed on first reading at a duly noticed meeting held this 15th day of August, 2013.

Authenticated by the Chairman of the Planning Board and the Planning Director.

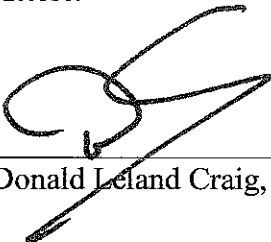


Richard Klitenick, Planning Board Chairman

8/21/2013

Date

Attest:



Donald Leland Craig, AICP, Planning Director

8-21-13

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

8-27-13

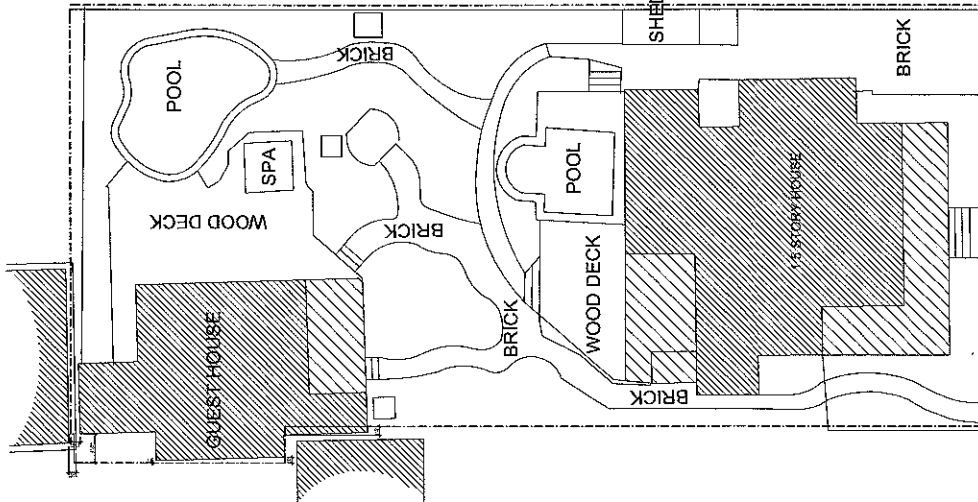
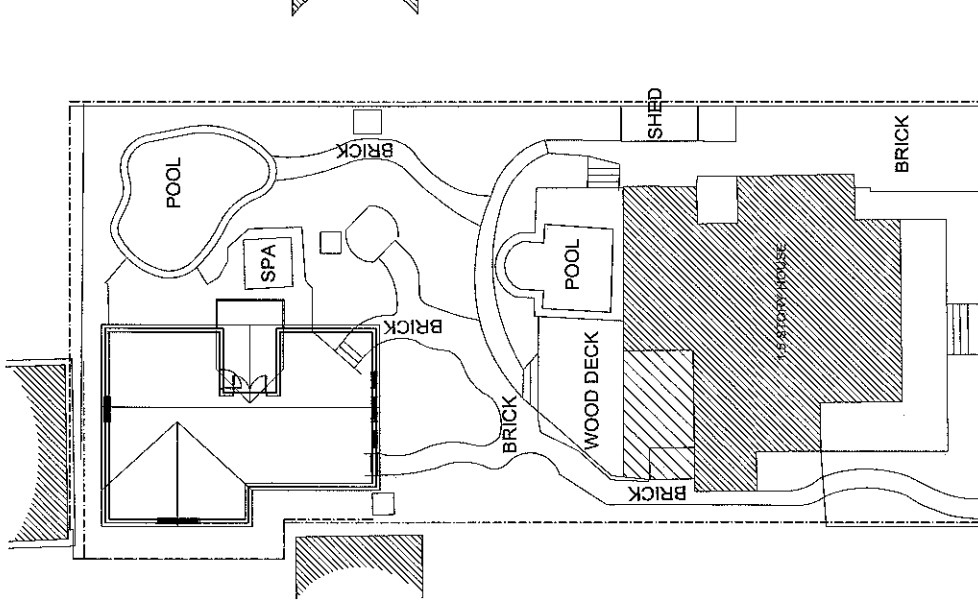
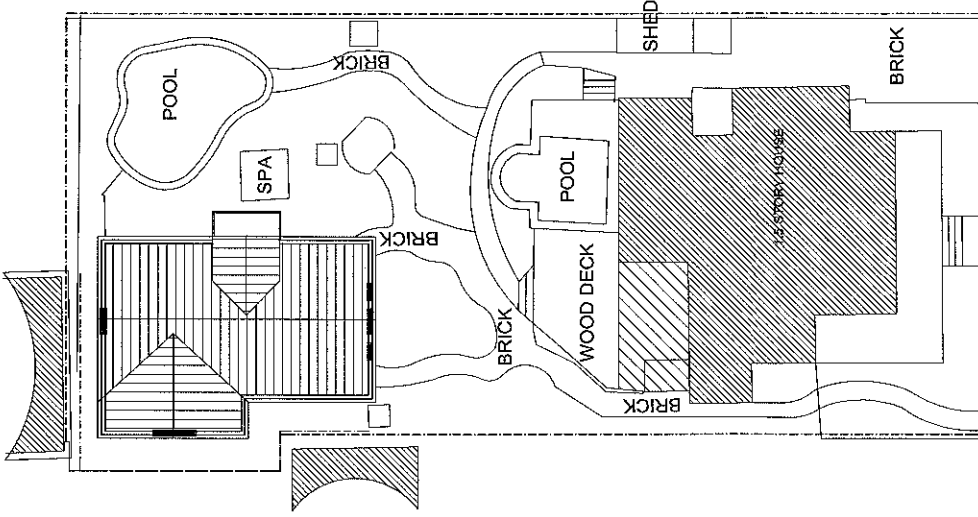
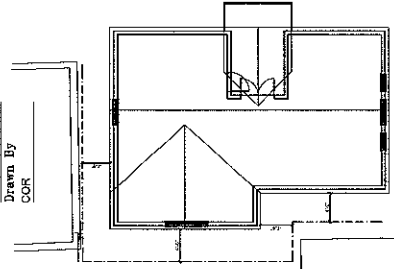
Date



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Carlos O. Rojas, Jr. Architect
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Project Number
20121120
Date
2/2/13
Drawn By
COR



OC
82117

MARGARET ST

MARGARET ST

MARGARET ST

PROPOSED

TRANSITION

EXISTING

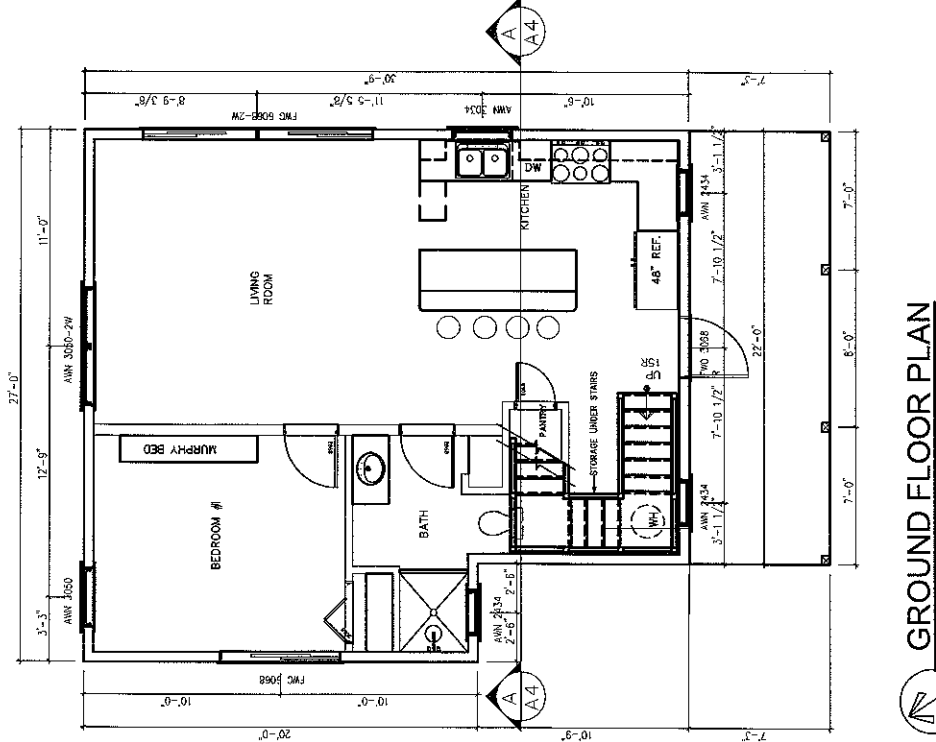
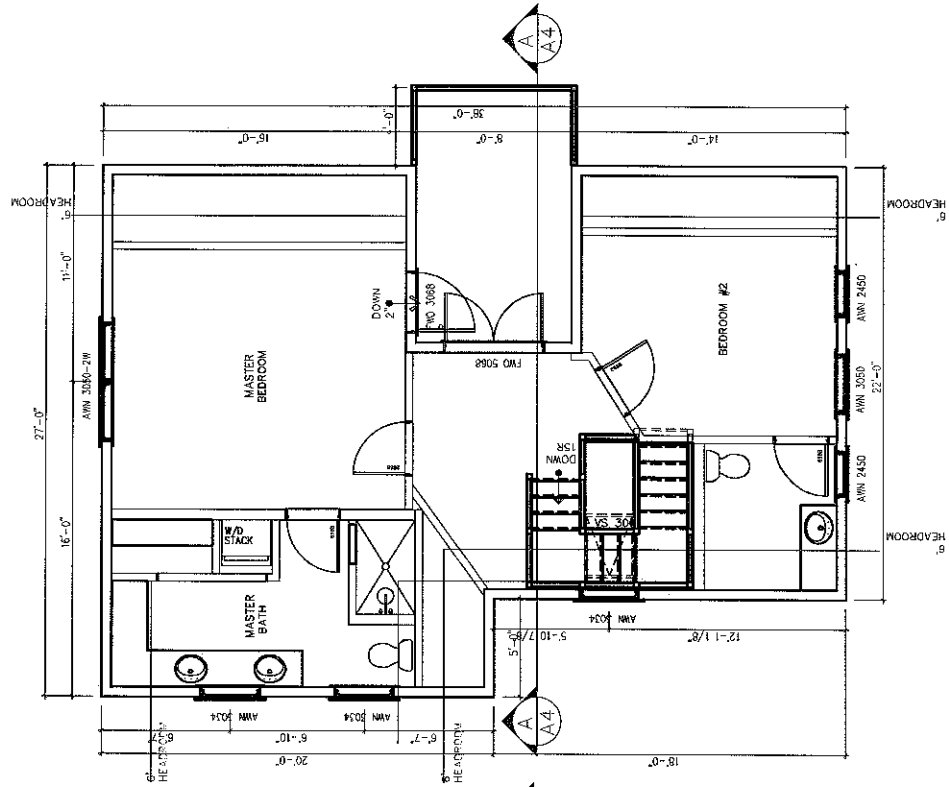


RUF

Carlos O. Rojas, Jr. Architect
613 Margaret Street
Key West, Florida

Project Number	20121120
Date	2/12/13
Drawn By	COR

A



QC
9-21-63

PK



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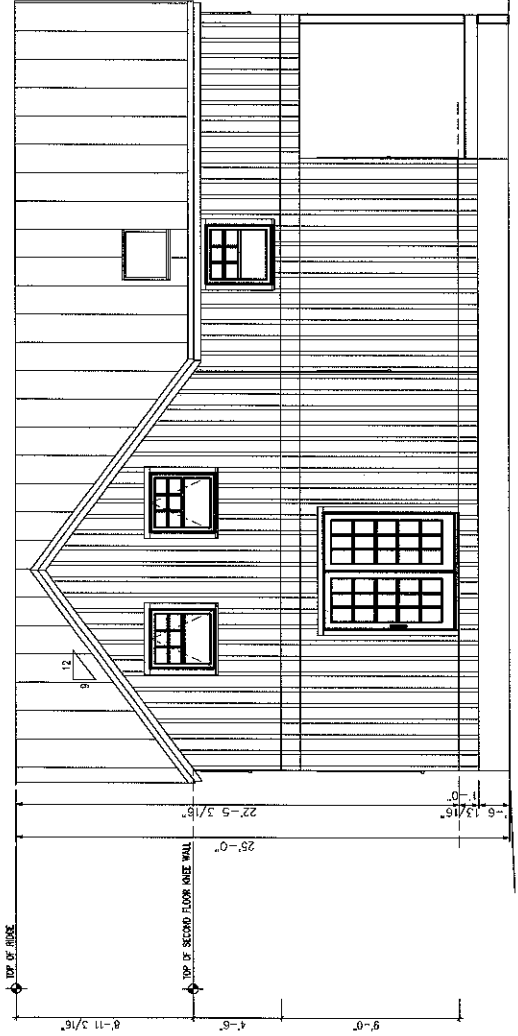
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Date
11/20/12
Drawn By
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A2

50
8.2.13



FRONT ELEVATION
1/4" = 1'-0"



LEFT ELEVATION
1/4" = 1'-0"

LUK

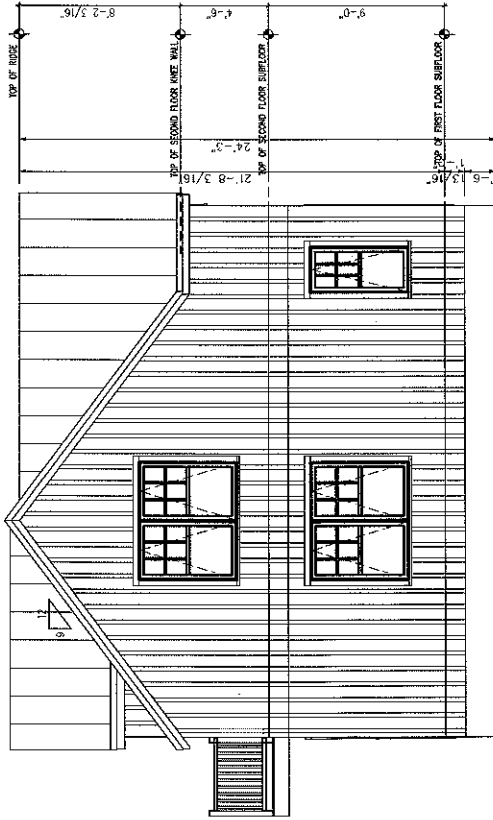


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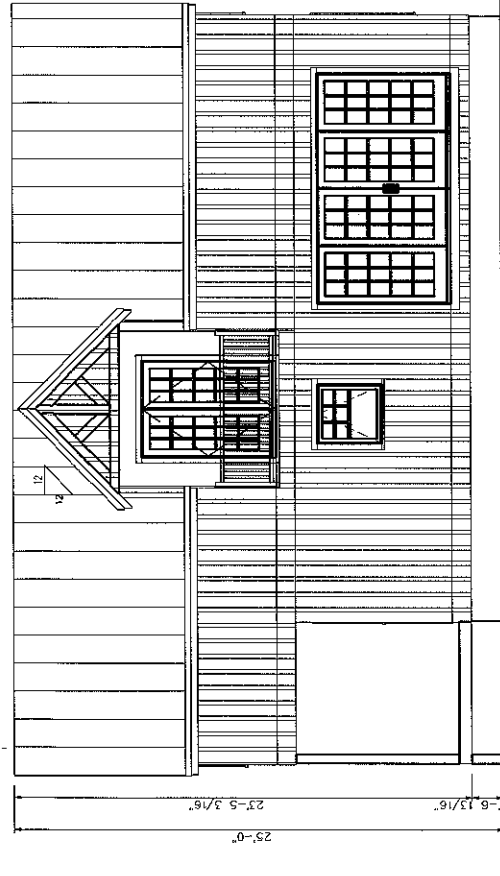
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A3



REAR ELEVATION

1/4" = 1'-0"



RIGHT ELEVATION

1/4" = 1'-0"

821-128
20

luk

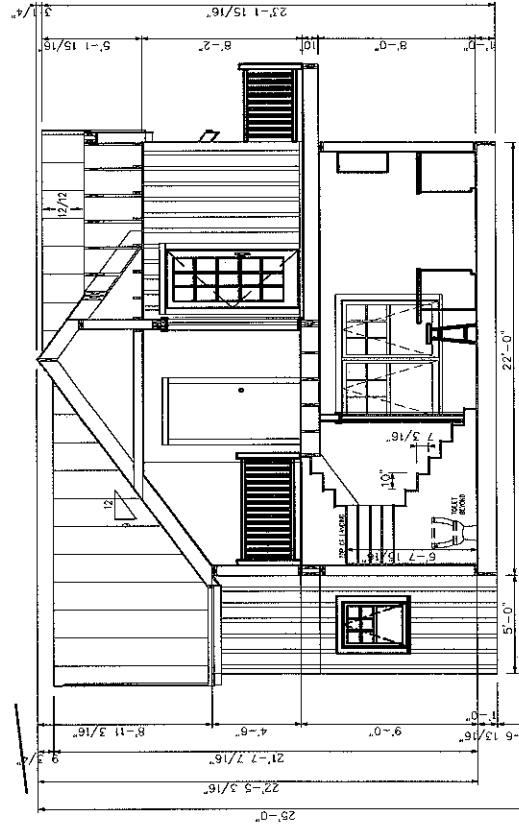


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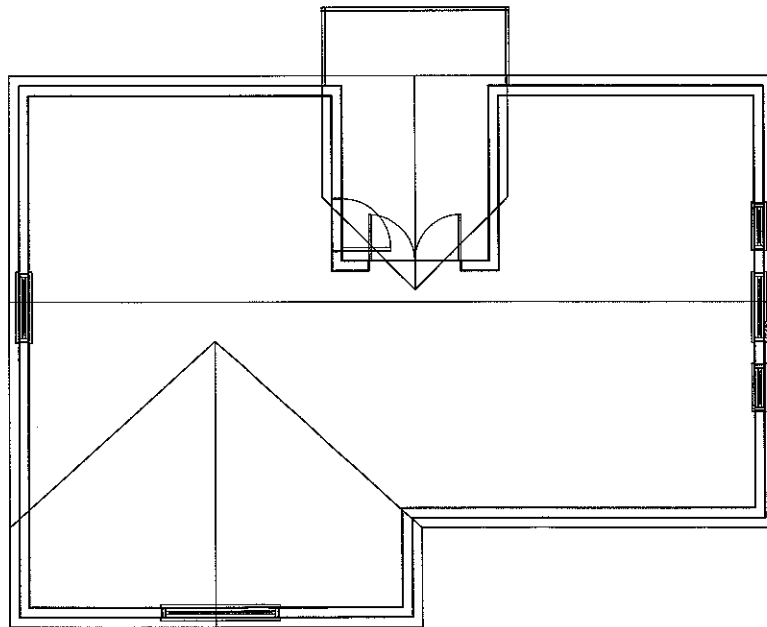
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Key West, Florida

Project Number
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Date
2/12/13
Drawn By
COR
COR

A4



SECTION A4
1/4" = 1'-0"



ROOF PLAN
1/4" = 1'-0"

W

QC
821.13